

06-17-02

3724

O I P E Practitioner's Docket No. 019502.0007US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Votolato, Earl J.

Application No.: 10/010,158

Filed: 11/13/2001

For: BAG SPLITTING APPARATUS

Group No.: 3724

Examiner: T. Druan

Box Non-Fee Amendment

Assistant Commissioner for Patents

Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231
37 C.F.R. § 1.8(a)
 with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"
Mailing Label No. EV062683432US

TRANSMISSION

- facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____.

Date: 16/14/02


Erika Simpson

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	6	- 20	= 0 x \$ 9.00	=	\$	0.00
INDEP.	1	- 3	= 0 x \$ 42.00	=	\$	0.00
<u>FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</u>			+ \$ 0.00	=	\$	0.00
			TOTAL ADDIT. FEE		\$	0.00

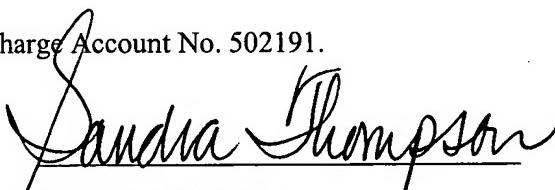
No additional fee for claims is required.

FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 502191.

If an additional fee for claims is required, charge Account No. 502191.

Date: 6/14/2002



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Serial No.: 10/010,158
Practitioner Docket No. 019502.0007US1



R. Keat
6/25/02
#4/Response

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231

Inventor: Earl J. Votolato

Serial No: 10/010,158✓

Filed: November 13, 2001

For: Bag Slitting Apparatus

Examiner: Thomas J. Druan

Art Unit: 3724

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RESPONSE TO OFFICE ACTION

The Honorable Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This paper responds to the Office Action dated March 15, 2002. Please enter the following response. There are no amendments to the current pending claims at this time.

REMARKS

35 USC § 112

Claim 1 is rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Applicant respectfully disagrees.

The phrase "first and second arms are biased" clearly means that there is an external force pushing the first and second arms away from one another, such that when someone presses on the first and second arms – forcing them together – and then releases the first and second arms, the first and second arms "spring" back to their original position. This "springing" back to the original position would not be possible without some external force on the first and second arms.